

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ANTHONY A. GOODE,	)	CASE NO. 3:05 CV 7121
	)	
Plaintiff,	)	JUDGE DAVID A. KATZ
	)	
v.	)	<u>OPINION AND ORDER</u>
	)	
HAMILTON COUNTY,	)	
	)	
Defendant.	)	

On March 23, 2005, plaintiff pro se Anthony A. Goode, an inmate at the Oakwood Correctional Facility, filed this civil rights action against Hamilton County. The complaint appears to assert that plaintiff's conviction in the Hamilton County Court of Common Pleas is invalid.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental employee or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at \*2 (6th Cir. Feb. 1, 2000).

The complaint challenges plaintiff's conviction and resulting

confinement in a correctional institution. When a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/ DAVID A. KATZ 5/5/05

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DAVID A. KATZ  
UNITED STATES DISTRICT JUDGE